

**CALENDAR ITEM
C23**

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08/19/03

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D. Jones
WP 6537.9

**APPROVAL OF GENERAL LEASE - PUBLIC AGENCY USE AND
APPOVAL OF SUBLEASE**

APPROVAL OF GENERAL LEASE – PUBLIC AGENCY USE:

APPLICANT:

Department of Parks and Recreation
One Capitol Mall, Suite 500
Sacramento, California 95814

AREA, LAND TYPE, AND LOCATION:

All those sovereign lands of Mono Lake lying below elevation 6417 feet above sea level.

AUTHORIZED USE:

Operation and management of the Mono Lake Tufa State Reserve including the operation and maintenance of a 6 foot by 36 foot boat dock located on the south west side of the Lake.

LEASE TERM:

7 years, beginning July 1, 2002.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

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OTHER PERTINENT INFORMATION:

1. In 1981, Chapter 670, Statutes of 1981 (Sections 5045, et seq. of the Public Resources Code), was enacted to establish the Mono Lake Tufa State Reserve with its primary emphasis to protect the tufa and associated sand structures as valuable geologic and scientific natural resources unique in North America for their beauty, abundance, diversity, and public accessibility. The legislation also required the Commission to issue a permit to the Department for the use of the State-owned sovereign land.
2. On December 22, 1983, the Commission issued a 20-year General Permit – Public Agency Use to the Department of Parks and Recreation for the operation and management of the Mono Lake Tufa State Reserve. That lease expired on June 30, 2002. The Department of Parks and Recreation is now applying for a new lease. The Department's only improvement on the Lake is a 6 foot by 36 foot boat dock which was reconstructed last year. It is located on the southwest side of the Lake for use by the State Park Rangers and the public.

Under Public Resources Code 5002.2, units of the State Park system are required to prepare General Plans prior to development of any new facilities. However, since the only improvements contemplated at the reserve have been temporary facilities, the Department is currently exempt from preparing a General Plan under Section 5046 (c). If funding is available, the Department may prepare a General Plan and begin the planning process in October 2003 when the U. S. Forest Service anticipates updating its Mono Basin National Forest Scenic Area Comprehensive Management Plan. If the planning process begins, and if funding is provided, it may take approximately two to three years to complete the process.

In lieu of a General Plan at this time, the Department currently manages the Reserve under the authority of the Public Resources Code, the Harbors and Navigation Code, the California Penal Code, the California Vehicle Code, Mono County ordinances, as well as through a Memorandum of Understanding between the Department and the USFS regarding management of the Federal relicted land at Mono Lake.

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In addition, the Department uses the USFS's Mono Basin National Forest Scenic Area Comprehensive Management Plan (USFS Plan) to assist the Department in managing the State Reserve. The boundary of the Scenic Area includes over 76,700 acres including approximately 41,600 acres of Mono Lake. The Scenic Area is within the Inyo National Forest.

The USFS Plan specifies that the overall goal of Scenic Area management is to protect the natural resources including, but not limited to, the geologic, ecologic, cultural, and scenic resources, while allowing recreational, scientific, and other activities, which are consistent with these goals. In each zone, the USFS Plan provides guidance for the protection of each resource, as well as guidance for recreation, uses on private land, grazing activities, etc. It divides the Mono Basin National Forest Scenic Area into four zones: 1) the Developed Recreation Zone, 2) the General Use Zone, 3) the Limited Development Zone and 4) the No Development Zone. These zones apply to the lands around Mono Lake, but the Department and the USFS have interpreted that these designations also apply to the waters of Mono Lake. In evaluating an activity within the waters of Mono Lake and the State relicted lands, the Department uses the USFS Plan to determine if the activity complies with the goals of the Plan.

The Department also seeks direction from its enabling legislation and the other legislative directives listed above. Since the purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features, and scenic qualities in a condition of undisturbed integrity, PRC Section 5019.65 mandates that resource manipulation shall be restricted to the minimum required to negate the deleterious influence of man. Section 5019.65 provides, however, that improvements may be undertaken, but for the purpose of making the areas available, on a day use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. As part of this mandate, the Department is very active in interpreting and educating the public about the unique features of the Reserve. It also has a joint interpretive agreement with the USFS and the Mono Lake Committee and provides many educational programs each year.

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In addition, the Mono Lake Tufa State Reserve is regularly patrolled by State Park Rangers who enforce all applicable State laws and rules and regulations.

The proposed lease is for a period of 7 years with the anticipation that the Department will have prepared and approved a General Plan for the lake within the next five years. In the event a General Plan is not funded and implemented within that time period, the Department will continue to use the USFS Plan to assist them in managing the Reserve, as well as their enabling legislation and other legislative directives.

3. Approval of General Lease – Public Agency Use
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

Boat Dock

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905(b).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

APPROVAL OF SUBLEASE:

AREA, LAND TYPE, AND LOCATION:

.01 acre, more or less, of sovereign land lying below elevation 6417 feet above sea level near the Tioga Lodge.

AUTHORIZED USE:

A 6 foot by 18 foot removable boat dock which will provide guided motorized boat tours of Mono Lake, limited parking (4cars) and an access road.

OTHER PERTINENT INFORMATION:

1. Because Lease PRC 6537.9 requires that the Commission approve all subleases, the Department of Parks and Recreation has applied to the Commission to approve its "Agreement for Special Use Permit" for the guided tour boat operation at Mono Lake with Tom Crowe, the boat tour operator. Due to the sensitive nature of Mono Lake, the Department has mitigated the activity by including conditions in the Permit to ameliorate adverse environmental impacts. Some of these conditions include, but are not limited to, limiting the tours to four per day with 8-11 customers per day; limiting the tours to two hours on the lake; varying the tour routes so as not to overly impact one area; prohibiting large wakes near sensitive shoreline areas; placing restrictions on the distances with which the boat may approach Paoha Island, the tufa areas, and wildlife; and requiring that the boat have a quiet inboard or 4-cycle outboard motor to reduce noise and flushing of birds on the water.
2. The tour season runs from April through October each year, after which the boat dock will be removed until the following April. The term of the Permit is proposed to be for three years. After the three year Permit expires, the tour boat operation will be reviewed by the Department. This review will coincide with the U.S. Forest Service update of its Mono Lake Basin Management Plan.

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3. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by the California Department of Parks and Recreation. The California State Lands Commission's staff has reviewed the document.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

APPROVAL OF GENERAL LEASE – PUBLIC AGENCY USE

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3) BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

APPROVAL OF BOAT DOCK

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (b)

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APPROVAL OF SUBLEASE

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ISSUANCE TO THE DEPARTMENT OF PARKS AND RECREATION OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JULY 1, 2002, FOR A TERM OF 7 YEARS, FOR THE OPERATION AND MANAGEMENT OF THE MONO LAKE TUFA STATE RESERVE, INCLUDING A BOAT DOCK, ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.
2. AUTHORIZE, BY ENDORSEMENT, A SUBLEASE FROM THE DEPARTMENT OF PARKS AND RECREATION TO TOM CROWE OF A PORTION OF LEASE NO. 6537.9, MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF; SAID SUBLEASE IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.